

**TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL
COMPACT WASTE DISPOSAL FACILITY; REDUCING A
SURCHARGE; ELIMINATING A FEE**

CHAPTER 790

H.B. No. 2662

AN ACT

relating to the Texas Low-Level Radioactive Waste Disposal Compact waste disposal facility; reducing a surcharge; eliminating a fee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. (a) Section 401.207(g), Health and Safety Code, is amended to read as follows:

(g) The commission shall assess a surcharge for the disposal of nonparty compact waste at the compact waste disposal facility. The surcharge is 10 [20] percent of the total contracted rate under Section 401.2456 and must be assessed in addition to the total contracted rate under that section.

(b) Effective September 1, 2019, Section 401.207(g), Health and Safety Code, is amended to read as follows:

(g) The commission shall assess a surcharge for the disposal of nonparty compact waste at the compact waste disposal facility. The surcharge is 20 percent of the total contracted rate under Section 401.2456 and must be assessed in addition to the total contracted rate under that section.

SECTION 2. Section 401.208, Health and Safety Code, is amended by amending Subsections (a), (c), and (e) and adding Subsection (a-1) to read as follows:

(a) *At least once every four years, the [The] commission shall conduct a study on the available volume and curie capacity of the compact waste disposal facility for the disposal of party state compact waste and nonparty compact waste.*

(a-1) In order to conduct the study under this section, the commission may require a generator of low-level radioactive waste to provide annually:

(1) information reasonably necessary to evaluate the adequacy of the capacity of the compact waste disposal facility as accurately as possible, including the amount in volume and curies that the generator intends to export or dispose of at a facility other than the compact waste disposal facility;

(2) the amount in volume and curies of low-level radioactive waste that was stored on-site at the generator's facility in the preceding year; and

(3) the length of time waste was stored at the generator's facility.

(c) *The [Not later than December 1, 2016, the] commission shall submit a final report of the results of the study to the standing committees of the senate and the house of representatives with jurisdiction over the disposal of low-level radioactive waste.*

(e) *The commission may conduct a study described by Subsection (a) at any time [after December 1, 2012,] if the commission determines that a study is necessary.*

SECTION 3. (a) Section 401.2445, Health and Safety Code, is repealed.

(b) Effective September 1, 2019, Subchapter F, Chapter 401, Health and Safety Code, is amended by adding Section 401.2445 to read as follows:

Sec. 401.2445. STATE FEE. The compact waste disposal facility license holder each quarter shall transfer to the state general revenue fund five percent of the gross receipts from:

(1) compact waste received at the compact waste disposal facility; and

(2) any federal facility waste received at a federal facility waste disposal facility licensed under Section 401.216.

SECTION 4. Chapter 403, Health and Safety Code, is amended by adding Section

403.0056 to read as follows:

Sec. 403.0056. ASSESSMENT OF COMPACT FACILITY BY LEGISLATIVE OVERSIGHT COMMITTEE. (a) In this section, "compact facility" has the meaning assigned by the Texas Low-Level Radioactive Waste Disposal Compact.

(b) A legislative oversight committee is created for the purpose of assessing the compact facility.

(c) The committee is composed of the following members:

- (1) the chair of the House Committee on Environmental Regulation;*
- (2) a member of the house of representatives who represents the county in which the compact facility is located;*
- (3) a member of the house of representatives appointed by the speaker of the house of representatives;*
- (4) the chair of the Senate Committee on Natural Resources and Economic Development;*
- (5) a member of the senate who represents the county in which the compact facility is located;*
- (6) a member of the senate appointed by the lieutenant governor;*
- (7) the chair of the commission; and*
- (8) a person appointed by each nonhost party state as provided by the laws of that state.*

(d) The chair of the House Committee on Environmental Regulation and the chair of the Senate Committee on Natural Resources and Economic Development shall serve as co-chairs.

(e) An appointed member of the committee serves at the pleasure of the appointing official.

(f) The committee shall consider and make recommendations regarding:

- (1) the annual fixed costs incurred by the operator of the compact facility;*
- (2) the party state compact waste disposal fees established in rule by the Texas Commission on Environmental Quality in accordance with Section 401.245;*
- (3) the contract review process as carried out by the Texas Commission on Environmental Quality;*
- (4) the relationship between the state, party state generators, and operator as it relates to the operation of the compact facility;*
- (5) the contingency plan required under the Texas Low-Level Radioactive Waste Disposal Compact;*
- (6) the need for and effects of fees and surcharges assessed for disposal of waste in the compact facility, including the fees and surcharges assessed under the following sections:*
 - (A) Section 401.052(b)(5);*
 - (B) Section 401.207(g);*
 - (C) Section 401.245; and*
 - (D) Section 401.246(a)(6);*
- (7) the cost of a state-run compact facility and the effect a state-run facility would have on rates and generators in compact states; and*
- (8) any other matters the committee determines are relevant to the compact facility and oversight of the compact facility.*

(g) The committee may request reports and other information from the commission and the Texas Commission on Environmental Quality as necessary to carry out this section.

(h) *Not later than December 1, 2018, the committee shall submit a final report of the results of the assessment to the committees of the senate and the house of representatives with jurisdiction over the disposal of low-level radioactive waste.*

(i) *The committee is abolished and this section expires December 31, 2018.*

SECTION 5. The Texas Commission on Environmental Quality shall submit the first report required under Section 401.208, Health and Safety Code, as amended by this Act, not later than December 1, 2020.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

Passed by the House on May 6, 2017: Yeas 127, Nays 7, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2662 on May 24, 2017: Yeas 137, Nays 5, 2 present, not voting; passed by the Senate, with amendments, on May 23, 2017: Yeas 28, Nays 3.

Filed without signature June 15, 2017.

Effective June 15, 2017, except Sections 1(b) and 3(b) take effect September 1, 2019.

**CREATION OF THE LAGO BELLO MUNICIPAL UTILITY
DISTRICT NO. 1 OF HARRIS COUNTY; GRANTING A LIMITED
POWER OF EMINENT DOMAIN; PROVIDING AUTHORITY TO
ISSUE BONDS; PROVIDING AUTHORITY TO IMPOSE
ASSESSMENTS, FEES, AND TAXES**

CHAPTER 791

H.B. No. 2687

AN ACT

relating to the creation of the Lago Bello Municipal Utility District No. 1 of Harris County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7990 to read as follows:

**CHAPTER 7990. LAGO BELLO MUNICIPAL UTILITY DISTRICT NO. 1 OF
HARRIS COUNTY**

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7990.001. **DEFINITIONS.** *In this chapter:*

- (1) *"Board" means the district's board of directors.*
- (2) *"Commission" means the Texas Commission on Environmental Quality.*
- (3) *"Director" means a board member.*
- (4) *"District" means the Lago Bello Municipal Utility District No. 1 of Harris County.*

Sec. 7990.002. **NATURE OF DISTRICT.** *The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.*

Sec. 7990.003. **CONFIRMATION AND DIRECTORS' ELECTION REQUIRED.** *The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.*

Sec. 7990.004. **CONSENT OF MUNICIPALITY REQUIRED.** *The temporary directors*